

REMARKS

The withdrawal of claims 1-6 and 9-19 from consideration has been noted.

In response to the objection to the chemical formulas in claim 7, formulas A'1-A'7 have been rewritten with the correct indication of bonds, carbon atoms and hydrogen atoms. The amended formulas are now believed to be in proper form and reconsideration of the objection to those formulas is requested.

Claim 8 was rejected under 35 U.S.C. §112, second paragraph, for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention. The basis of the objection was the contention that 2-methoxysuccinic acid, as pointed out in claim 8, was not embraced in claim 7 and thus there was a lack of an antecedent basis for this limitation.

Reconsideration is requested.

The basis for 3-methoxysuccinic acid, as pointed out in claim 8, is in structure A'7 where when R'5 is a methoxy group, R'6 is a hydrogen atom, x' is equal to 0 and y' is equal to 1. For this reason, it is requested that this ground of rejection be withdrawn.

Claims 7 and 8 were rejected under 35

U.S.C. §103(a) as being unpatentable over Hopkins.

Reconsideration is requested.

The Hopkins patent discloses certain copper salts but does not disclose or suggest the copper salt of 2-methoxy succinic acid or any other copper salt of a 2-alkoxy succinic acid.

At col. 1, lines 41-59 and col. 2 lines 1-7, Hopkins discloses that the succinic anhydride groups are only substituted at the 2-position with a hydrocarbon group directly linked at the 2-position. That hydrocarbon group, which must contain 8-35 carbon atoms according to Hopkins, may be substituted with a halo, alkoxy, hydroxy, alkylthio, carbalkoxy, nitro or carbonyl group at some undisclosed position on the 8-35 carbon chain. The hydrocarbon groups have from 8-35 carbon atoms are generally described by col. 1 lines 46-47 of Hopkins. These carbon chains are always interposed between the 2-position of the succinic anhydride derivative and any of the substituents listed at col. 2, lines 6-7 of Hopkins.

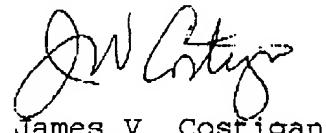
The Hopkins succinic anhydride derivatives are taught as being useful as additives for lubricants in which they function as antioxidants and/or friction modifiers. This end use points to the unobviousness of using any substituent having less than the 8-35 carbon atom chain

length of the Hopkins compounds. In this regard, claim 8 points out a number of substituents for R₅ and R₆ in structure A'7 which include C₁-C₆ alkyl groups. Nothing suggests increasing the chain length beyond 6 carbons and doing so would contravene the teachings of Hopkins to use a chain length of 8-35 carbon atoms as oil additives. At col. 14, lines 38-51, Hopkins presented data to show that bearing weight loss was reduced by the use of his copper additives due to increased viscosity. The particular additive was based on a succinic anhydride derivative prepared with a C₁₈-C₂₄ hydrocarbon. The comparison product was a copper oleate which had shorter carbon chain. This data would not motivate one skilled in the art to reduce the carbon chain length of a substituent of a copper additive that was to be used as an oil additive. Thus Hopkins does not make obvious the use of any substituent having less than 8 carbon atoms in making the Hopkins compounds. In addition there is no suggestion to use a non-hydrocarbon group such as an alkoxy group as a substituent that is substituted on a succinic acid derivative. For these reasons, it is requested that this rejection be withdrawn.

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An early and favorable action is earnestly
solicited.

Respectfully submitted,



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